

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHAWN DERR, JEFF DERR,

Plaintiffs,

vs.

BOBBY GROVE, ANNETT HOLDINGS,
Inc.;

Defendants.

4:13CV03078

MEMORANDUM AND ORDER

This matter is before the court upon the notice of death of one of the plaintiffs, Shawn Derr. (Filing No. 34). In accordance with Fed. R. Civ. P. 25(a)(1), the decedent's successor or representative, or the remaining plaintiff, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. In this case, counsel for Mrs. Derr filed the "suggestion of death" on February 27, 2014. Accordingly,

IT IS ORDERED:

On or before May 28, 2014, the decedent's successor or representative, or the remaining plaintiff, shall file a motion for substitution. If the motion for substitution is not timely filed, the claims of the decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).

Dated this 10th day of March, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge